In the High Court of Judicature at Madras

Dated: 25.09.2006

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice S.TAMILVANAN

Habeas Corpus Petition No.688 of 2006

Dinesh @ Deena @ Dinakaran ..Petitioner

..vs..

1. State of Tamil Nadu,
   rep.by its Secretary to Government,
   Prohibition and Excise Department,
   Fort St.George,
   Chennai-9.

2. The Commissioner of Police,
   Greater Chennai,
   Chennai. ..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For Petitioner : Mr.C.C.Chellappan

For Respondents : Mr.M.Babu Muthu Meeran,
Additional Public Prosecutor.

WEB COPY

ORDER
(Order of the Court was made by P.SATHASIVAM, J.,)

The petitioner, namely, Dinesh @ Deena @ Dinakaran, who was detained as "Goonda" under sub-section (1) of section 3 of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982) by the impugned proceedings dated 21.02.2006, challenges the same in this habeas corpus petition.

https://hcservices.ecourts.gov.in/hcservices/

2. Even at the outset, learned counsel appearing for the petitioner has submitted that there was undue delay in disposal of the representation of the detenu, which vitiates the ultimate detention order passed by the second respondent.

3. The particulars furnished by the learned Additional Public Prosecutor show that the representation of the detenu dated 22.03.2006 was received by the Government on 23.03.2006; remarks were called for on the same day; remarks were received on 30.03.2006 and thereafter, the file was submitted to the Under Secretary and Deputy Secretary on 31.03.2006 and they dealt with the same on the same day. The Minister for Prohibition and Excise passed an order on 03.04.2006. However, the rejection letter was prepared only on 10.04.2006 and ultimately the same was served to the detenu on 12.04.2006. Though the concerned authority, namely, Minister for Prohibition and Excise has passed an order, rejecting the representation of the petitioner even as early as on 03.04.2006, it is not clear why time was taken till 10.04.2006 for preparation of the rejection letter. In the absence of any explanation by the person / persons concerned, we hold that the delay is on the higher side, which vitiates the ultimate order of detention passed by the second respondent and on this ground, the detention order is liable to be quashed.

4. Accordingly, the impugned order of detention is quashed and the habeas corpus petition is allowed. The detenu is directed to be set at liberty forthwith, unless he is required in connection with any other case.

gl

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Government,
   Prohibition and Excise Department,
   Fort St.George,
   Chennai-9.

2. The Commissioner of Police
   Greater Chennai,
   Chennai.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

3. The Superintendent,
   Central Prison,
   Chennai.
   (in duplicate for communication
   to detenu)

4. The Joint Secretary to Govt.,
   Public (Law & Order),
   Fort St.George,
   Chennai-9.

5. The Public Prosecutor,
   High Court, Madras.

AKM(CO)
NM(06.10.2006)

H.C.P.No.688 of 2006

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/